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New Delhi, the 18th November, 1953

The following President's Act enacted on the 18th November, 1953 is published for general information:—

THE PATIALA AND EAST PUNJAB STATES UNION TENANCY AND AGRICULTURAL LANDS ACT, 1953

No. 8 OF 1953

[18th November, 1953]

An Act to amend and consolidate the law relating to tenancies of agricultural lands and to provide for certain measures of land reforms.

In exercise of the powers conferred by section 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953 (22 of 1953), the President is pleased to enact as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Patiala and East Punjab States Union Tenancy and Agricultural Lands Act, 1953.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) 'allottee' means a displaced person or a group of such persons to whom land is allotted in pursuance of the scheme contained in the notification of the Department of Rehabilitation

No. 9R, dated the 23rd July, 1949 or in pursuance of any other scheme for allotment of evacuee land to displaced persons which the State Government may, by notification in the Official Gazette, specify for the purposes of this Act, and includes—

(i) the legal representatives of such displaced person; and

(ii) in the case of an allotment to a group of displaced persons, each such person and his legal representatives;

(b) 'banjar land' means land which has remained uncultivated for a continuous period of not less than four years immediately preceding the date on which the question whether such land is banjar or not arises;

(c) 'Commissioner' has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) and includes any other officer specially empowered by the State Government to perform all or any of the functions assigned to the Commissioner under this Act;

(d) 'evacuee land' means land which is or which is deemed to be evacuee property under the Administration of Evacuee Property Act, 1950 (XXXI of 1950);

(e) 'khana damad' means a person who having married the daughter of a landowner having no male issue lives along with his wife in the house of his father-in-law and who according to the custom is treated by him as his son;

(f) 'landowner' has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) and includes an allottee;

(g) the expression 'to cultivate personally' with its grammatical variations and cognate expressions means to cultivate on one's own account—

(1) by one's own labour, or

(2) by the labour of such of one's relatives, as may be prescribed, or

(3) by servants on hired labour;

(h) 'prescribed' means prescribed by rules made under this Act;

(i) 'standard acre' is a measure of land convertible with reference to the yield from, and the quality of, the soil, into an ordinary acre according to the prescribed scale;

(j) 'State' means the State of Patiala and East Punjab States Union;

(k) 'tenant' has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), but does not include a person—

(i) who holds a right of occupancy, or

(ii) who is a relative of the tenant within the meaning of sub-clause (2) of clause (g);

(1) all other words and expressions used herein and not defined but defined in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), or the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) shall have the meanings assigned to them in either of those Acts.

(2) References in this Act to the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) or the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887) shall be construed as references to those Acts as in force in the State.

3. Permissible limit.—(1) 'Permissible limit' for the purposes of this Act means thirty standard acres of land and where such thirty standard acres on being converted into ordinary acres exceed sixty acres, such sixty acres:

Provided that the permissible limit shall not exceed one-half of the holding of a landowner:

Provided further that where the holding of a landowner exceeds ten standard acres, the minimum area of permissible limit shall be ten standard acres and where the holding is ten standard acres or less, the permissible limit shall be an area equal to the holding of the landowner.

(2) For the purposes of computing the permissible limit under sub-section (1)—

(a) where a person holds some land as a landowner and some other land as an allottee both kinds of land shall be included;

(b) land occupied by an occupancy tenant shall not be included in the holding of the landowner but it shall be included in the holding of the occupancy tenant in whom proprietary rights in respect of such land vest under the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953;

(c) where a landowner owns land jointly with other landowners his share of such land as ascertained from the record of rights shall alone be included;

(d) where a landowner dies within a period of six months from the commencement of this Act, the permissible limit shall be determined with reference to the land which has devolved upon each of his successors-in-interest, including any land held by such successors-in-interest immediately before the death of the landowner.

(e) any transfer of land made by the landowner after the commencement of this Act shall be disregarded.

(f) any class of land which the State Government may, by notification in the Official Gazette, specify, shall be excluded.

4. Act to override other laws.—Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law or any usage, agreement, settlement, grant, sanad or any decree or order of any court or other authority.

CHAPTER II

RESERVATION OF LAND FOR PERSONAL CULTIVATION

5. Reservation of land for personal cultivation.—(1) Subject to the provisions of this section, every landowner owning land exceeding thirty standard acres shall be entitled to select for personal cultivation from the land held by him in the State as a landowner any parcel or parcels of land not exceeding in aggregate area the permissible limit and reserve such land for personal cultivation by intimating his selection in the prescribed form and manner to the Collector:

Provided that in making such selection, the landowner shall include to the extent of the permissible limit, all land which he held for personal cultivation immediately before the commencement of this Act.

(2) The right conferred by this section on a landowner to reserve land for personal cultivation shall cease if it is not exercised within a period of six months from the commencement of this Act.

6. Land reserved for personal cultivation to be notified.—(1) The Collector shall in respect of every landowner notify in such form and manner as may be prescribed the particulars of all lands reserved for the personal cultivation of the landowner under section 5.

(2) A copy of every notification issued under sub-section (1) shall, as soon as may be, be served upon the landowner concerned in the prescribed manner.

CHAPTER III

GENERAL RIGHTS OF TENANTS

7. Termination of tenancy.—(1) No tenancy shall be terminated except in accordance with the provisions of this Act or except on any of the following grounds, namely:—

(a) that the land comprising the tenancy has been reserved by the landowner for his personal cultivation in accordance with the provisions of Chapter II:

Provided that no tenant shall be ejected under this clause after the expiry of a period of five years from the commencement of this Act.

Explanation.—The said period of five years shall commence—

(a) in the case of a widow, on the termination of the life interest of the widow;

(b) in the case of a minor, on the attainment of majority; and

(c) in the case of a member of the Armed Forces of the Union, on his discharge or retirement from service, as the case may be;

(b) that the tenant has failed to pay rent within a period of six months after it falls due;

(c) that the tenant, not being a widow, a minor or a member of the Armed Forces of the Union has, after the commencement

of this Act, sublet without the consent in writing of the landowner, the land comprising his tenancy or any part thereof;

(d) that the tenant has, without sufficient cause, failed to cultivate personally such land, in the manner and to the extent customary in the locality in which such land is situated;

(e) that the tenant has used such land or any part thereof in a manner which is likely to render the land unfit for the purpose for which it was leased to him;

(f) that the tenant, on demand in writing by the landowner, has refused to execute a kabuliyat agreeing to pay rent in respect of his tenancy in accordance with the provisions of sections 9 and 10.

(2) Notwithstanding anything contained in clause (a) of sub-section (1), a landowner holding thirty standard acres or less of land may, within a period of five years from the commencement of this Act, eject any tenant from such land within the permissible limit if he requires such land for personal cultivation.

Explanation 1.—For the purposes of determining the permissible limit, all lands held by the landowner as such landowner for personal cultivation immediately before the commencement of this Act shall be included.

Explanation 2.—In the case of a widow, minor or a member of the Armed Forces of the Union, the *Explanation* to clause (a) of sub-section (1) shall apply.

8. Restoration of possession of land to tenant if landowner fails to cultivate land personally.—(1) Where a landowner who has taken possession of any land by ejecting any tenant therefrom on the ground that he requires the land for personal cultivation fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during a period of four years next following, the tenant may make an application to the prescribed authority for restoration of such land to him.

(2) On receipt of an application under sub-section (1), the prescribed authority after giving to the landowner concerned an opportunity of being heard and after holding such enquiry as it may deem fit may restore possession of such land to the tenant.

9. Maximum amount of rent payable.—Notwithstanding any agreement, usage, decree or order of a court or any law for the time being in force, the maximum rent payable by a tenant in respect of the land leased to him shall not exceed one-third of the produce of the land or the value of such produce, as the case may be.

10. Determination of rent.—(1) Subject to the provisions of section 9, the rent payable by a tenant shall be—

(a) where the rent is fixed by an agreement in writing, the rent so agreed upon;

(b) where there is no such agreement, the rent payable for the agricultural year immediately preceding the period in respect of which the rent falls to be determined;

(c) where it is not practicable to ascertain the rent for the previous agricultural year referred to in clause (b), the rent payable according to the usage of the locality;

(d) where the case does not fall under any of the aforesaid clauses, a reasonable rent.

(2) The reasonable rent referred to in clause (d) of sub-section (1) shall be determined by the prescribed authority who in determining such rent shall have regard to the following matters, namely:—

(a) the rental value of any land leased for similar purposes in the locality;

(b) the income from similar lands in the locality;

(c) the prices of foodgrains and other commodities in the locality;

(d) such other matters as may be prescribed.

11. Receipt for rent.—(1) Every landowner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form and manner as may be prescribed.

Explanation.—A receipt shall be deemed to have been given within the meaning of this sub-section, if it is handed over to the prescribed authority within seven days of the receipt of rent by the landowner or by any person on his behalf.

(2) If any landowner makes default in complying with the provisions of sub-section (1), the prescribed authority may, by order in writing, direct him to pay a penalty not exceeding three times the amount of land revenue payable in respect of the land relating to which the default is made.

12. Prohibition against recovery of excessive rent.—Notwithstanding anything in any agreement, usage or law for the time being in force, it shall not be lawful for any landowner—

(a) to recover from a tenant rent in excess of the amount specified in section 9 or section 10, as the case may be, or

(b) to demand from a tenant any cess, rate or tax or service or payment of any description or denomination whatsoever, in addition to the rent lawfully recoverable under this Act.

13. Liability to refund amount unlawfully recovered.—If the prescribed authority, after making such enquiry as he may deem fit, is satisfied that a landowner has recovered any rent, cess rate or tax or received any service from any tenant in contravention of the provisions of section 12, the prescribed authority may direct the landowner—

(a) to pay to the Government as penalty a sum not exceeding ten times the excess amount recovered; and

(b) to refund to the tenant the excess amount recovered from him; or

(c) where the landowner has received any service from any tenant, to pay to the tenant such sum by way of compensation as the prescribed authority may think fit.

14. Bar on eviction from dwelling-house.—(1) If in any *Abadi Deh* or *Gorah Deh* a tenant is in occupation of a dwelling-house built on a site belonging to the landowner, the tenant shall not be ejected from such dwelling-house or the land immediately appurtenant thereto and necessary for his enjoyment unless—

(a) the landowner proves that the dwelling-house was not built at the expense of the tenant; and

(b) such tenant makes default for a period exceeding one year in the payment of rent, if any, which he has been paying for the use and occupation of such house:

Provided that in the case of a tenant under an allottee, this sub-section shall have effect as if for the word 'and' in sub-clause (a) the word 'or' were substituted.

(2) The provisions of this section and the next succeeding section shall not apply to a dwelling-house which is situated on any land used for the purpose of agriculture in respect of which the tenancy has been terminated under the provisions of this Act.

Explanation.—In this section and the next succeeding section, the expression 'landowner' in relation to evacuee land means the Custodian of Evacuee Property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

15. Option to tenant to purchase site of dwelling-house.—(1) A tenant who is in occupation of a dwelling-house built at his own expense on a site belonging to the landowner shall have the right to purchase such site from the landowner at the price agreed upon in writing between him and the landowner or in the absence of any such agreement at such price as may be determined by the prescribed authority.

(2) A tenant who intends to purchase the site of a dwelling-house in pursuance of the provisions of sub-section (1) shall give to the landowner a notice in writing in the prescribed manner of his intention to do so.

(3) Where a landowner has received notice under sub-section (2), he shall within one month of the receipt thereof, communicate in writing to the tenant the price at which he is willing to sell to him the site of the dwelling-house.

(4) Where a landowner fails to communicate to the tenant the price in respect of the site of the dwelling-house under sub-section (3), or where the tenant is not willing to pay the price demanded by the landowner for such site, the tenant may make an application in the prescribed form to the prescribed authority within the prescribed period for determination of the market value of the site.

(5) On receipt of an application under sub-section (4), the prescribed authority shall, after giving the parties an opportunity of being heard, determine, by an order in writing the market value of the site.

(6) An order made under sub-section (5) shall be served upon the landowner and the tenant and if the tenant deposits with the prescribed authority the market value of the site of the dwelling-house as determined under that sub-section within six months from the date of the service of the order upon him, the site shall be deemed to have been transferred to the tenant, and the amount so deposited shall be paid to the landowner.

(7) The prescribed authority shall, on payment of the prescribed fee, issue to the tenant a certificate containing the prescribed particulars in respect of the site of the dwelling-house deemed to have been transferred to the tenant under sub-section (6) and notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908) no such certificate shall require to be registered under that Act.

(8) Where a tenant fails to deposit the market value of the site of the dwelling-house under sub-section (6), he shall be deemed to have relinquished his right to purchase such site.

16. Right of tenant to make improvements on land.—(1) A tenant may at any time apply in writing to the landowner for permission to make improvements at his own expense on the land leased to him.

(2) If, within one month of the receipt of such application, the landowner fails or refuses, without reasonable cause, to grant the required permission to the tenant, the tenant may make an application within the prescribed period to the prescribed authority for the grant of such permission.

(3) Where an application is made to the prescribed authority under sub-section (2), the prescribed authority, after giving the parties an opportunity of being heard, may make such order thereon as he may deem fit.

(4) Where a tenant makes any improvements on the land leased to him, in accordance with an order made by the prescribed authority under sub-section (3), the tenant shall be deemed to have made such improvements with the permission of the landowner.

(5) In this section, the expression 'tenant' includes a sub-tenant.

17. Compensation for improvements.—(1) A tenant who has made any improvements at his own expense on the land leased to him in accordance with the provisions of section 16, shall, if his tenancy is terminated under the provisions of this Act, be entitled to receive compensation for such improvements before he can be ejected from such land.

(2) The compensation payable to a tenant under sub-section (1), shall be determined by the prescribed authority in accordance with the value of such improvements at the date of termination of the tenancy and in determining such compensation, the prescribed authority shall have regard to the following matters, namely:—

(a) the amount by which the value of land has increased by reason of the improvements;

(b) the condition of the improvements at the date of the determination of the value thereof and the probable duration of their effect;

(c) the labour and capital involved in the making of the improvements; and

(d) the reduction or remission of rent, if any, or other advantage secured by the tenant in consideration of the improvements made by him.

18. Devolution of tenancy on death of tenant.—(1) If a tenant dies during the term of his tenancy, the tenancy shall subject to the provisions of sub-section (2) devolve—

(a) on his lineal male descendants, in the male line of descent, if any;

(b) failing such descendants, on his widow, if any:

Provided that such widow shall cease to enjoy the tenancy rights if she remarries or abandons the land or is ejected therefrom in accordance with the provisions of this Act;

(c) failing such descendants and widow, or in case there is a widow if and when she ceases to enjoy the tenancy rights under the proviso to clause (b), on a khana damad, if any.

(2) No person shall be entitled to succeed to a tenancy under sub-section (1), unless he is willing to cultivate personally the land comprising the tenancy.

19. Rights and privileges of tenants under other laws not affected.—Nothing contained in this Chapter shall be construed to limit or prejudice the rights and privileges of any tenant under any other law for the time being in force or any usage, or arising from any contract, grant, decree or order of a court or otherwise, howsoever.

CHAPTER IV

ACQUISITION OF PROPRIETARY RIGHTS BY TENANTS

20. Definition of 'tenant'.—In this Chapter, the expression 'tenant' means a tenant as defined in clause (k) of sub-section (1) of section 2,—

(a) who is not liable to be ejected under clause (a) of sub-section (1) of section 7; or under sub-section (2) of that section, or

(b) who is not ejected within a period of five years specified in the proviso to clause (a) of sub-section (1) of section 7 or sub-section (2) of that section,

and includes a person who is restored possession of land under section 8.

Explanation.—For the purpose of clause (a), a tenant shall not be liable to be ejected under sub-section (2) of section 7—

(i) if, at any time before the expiry of the period of five years specified in that sub-section, the landowner has taken possession of land for personal cultivation to the extent of the permissible tenant; and

(ii) the land held by the tenant is situated outside the permissible limit.

21. Application of this Chapter to evacuee lands.—The provisions of this Chapter shall apply to evacuee lands with effect from such date as the State Government may, by notification in the Official Gazette, specify.

22. Acquisition of proprietary rights by tenants.—(1) Subject to the other provisions contained in this Act, a tenant shall be entitled to acquire from his landowner in respect of the land comprising his tenancy the right, title and interest of the landowner in such land (hereinafter referred to as the 'proprietary rights') in the manner and subject to the conditions hereinafter provided.

(2) Every tenant intending to acquire proprietary rights shall make an application in writing to the prescribed authority in the prescribed manner, containing the following particulars, namely:—

(a) the area and location of the land in respect of which the application is made;

(b) the name of the landowner from whom proprietary rights are to be acquired;

(c) such other particulars as may be prescribed.

(3) The right conferred upon a tenant to acquire proprietary rights in respect of any land under this section may, if such tenant has sub-let the land, be exercised by the sub-tenant to the exclusion of the tenant.

23. Determination of compensation for acquisition of proprietary rights.—(1) On receipt of an application under section 22, the prescribed authority after satisfying himself that the applicant is entitled to acquire proprietary rights in any land under this Chapter shall determine the compensation payable in respect thereof in accordance with the principles set out in section 26.

(2) On determination of such compensation the prescribed authority shall by order in writing require the applicant to deposit the first instalment of the compensation as prescribed under section 27 in a Government treasury or a sub-treasury or with the prescribed authority and to produce before him a receipt for the same within a period of fifteen days from the date of the service of such order:

Provided that the prescribed authority may, on sufficient cause being shown, extend the period specified in this sub-section, so however that the aggregate period does not exceed one month.

(3) Where the first instalment of compensation has been deposited in accordance with the provisions of sub-section (2), the prescribed authority shall issue to the applicant a certificate in the prescribed form declaring him to be the landowner in respect of the land specified in the certificate.

(4) On and from the date of the issue of a certificate under sub-section (3), the proprietary rights of the landowner in the land specified in the certificate shall be deemed to have been extinguished and

such proprietary rights shall vest in the applicant free from all encumbrances and as from such date the applicant shall cease to be liable to pay any rent in respect of such land to the landowner:

Provided that—

(a) the amount of compensation payable by the applicant shall be a first charge on such land;

(b) the amount of any encumbrance existing on such land on the date of the issue of the certificate shall be a valid charge on the amount of compensation payable by the applicant under this Act.

(5) Every certificate issued under sub-section (3) shall be conclusive evidence of the acquisition by the applicant of proprietary rights in the land specified therein and notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), no such certificate shall be required to be registered under that Act.

24. Tenant may abandon his intention to acquire proprietary rights.—(1) Any person who is entitled to acquire proprietary rights in respect of any land under this Chapter may at any time after the amount of the first instalment of compensation is deposited under sub-section (2) of section 23 but before a certificate is issued to him under sub-section (3) of that section make a declaration in writing in the prescribed manner before the prescribed authority that he has abandoned his intention to acquire proprietary rights in such land.

(2) Where any declaration is made under sub-section (1), the amount of the first instalment of compensation deposited by the tenant under sub-section (2) of section 23 shall be refunded to him.

25. Forfeiture of right to acquire proprietary rights.—If any person upon whom the right to acquire proprietary rights is conferred under this Chapter fails to comply with any order made under sub-section (2) of section 23 he shall forfeit his right to acquire such proprietary rights.

26. Principles of compensation for acquisition of proprietary rights.—(1) Where any person has acquired proprietary rights in respect of any land under this Chapter he shall be liable to pay to the landowner from whom such rights have been acquired compensation at the rate of ninety times the land revenue (including rents and cesses) payable for such land or two hundred rupees per acre, whichever is less.

(2) The compensation payable under this section shall be determined by the prescribed authority who shall specify the person or persons to whom the compensation shall be paid.

(3) If there is any dispute as to the person or persons who are entitled to the payment of compensation, the prescribed authority shall decide the dispute and if the prescribed authority finds that more than one person are entitled to compensation he shall apportion the amount thereof among such persons.

27. Compensation payable in instalments.—(1) The compensation payable under section 26 may be paid in such annual instalments not exceeding six as may be prescribed.

(2) Every instalment of compensation shall be deposited in a Government treasury or a sub-treasury or paid to such authority as may be prescribed within fifteen days of the date of its becoming due and a receipt therefor shall be furnished to the prescribed authority.

(3) Where any instalment of compensation is not deposited in a Government treasury or a sub-treasury or paid to the prescribed authority within the period of fifteen days specified in sub-section (2), the prescribed authority shall, of his own motion or on the application of the landowner concerned, take steps within one month from the expiry of the said period of fifteen days for the recovery of such instalment in the manner provided in section 49.

(4) Interest at the rate of $2\frac{1}{2}$ per cent. per annum shall be payable on the amount of any instalment which is not paid within time from the date when the instalment became due.

28. Payment of compensation to landowner.—Subject to the provisions of sub-section (2) of section 24, the prescribed authority shall, as soon as may be, after the amount of any instalment of compensation has been deposited under section 23 or section 27 pay the same to the person entitled to it on his executing a receipt for the same.

29. Acquisition of proprietary rights in shamlat lands.—(1) Where any person has acquired any proprietary rights from a landowner in respect of any land under this Chapter, then, notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, such person shall be entitled to acquire similar rights in respect of the share of the landowner in the shamlat in proportion to that land.

(2) The provisions of this Chapter shall, so far as may be, apply in relation to the acquisition of proprietary rights in shamlat lands as they apply in relation to the acquisition of such rights in other lands:

Provided that in any case where the shamlat is not liable to the payment of land revenue, the land revenue in respect thereof shall, for the purpose of computing the compensation payable under section 26 be deemed to be assessed at the lowest rate prevalent in the village in respect of *barani* land and the amount of compensation shall be forty-five times the land revenue so assessed or one hundred rupees per acre whichever is less.

30. Proprietary rights to devolve on heir.—If any tenant or sub-tenant dies before exercising his right to acquire proprietary rights in respect of any land under this Chapter such right shall, on his death, devolve upon his lineal male descendants in the male line of descent, if any, and shall be exercisable by them in the like manner and subject to the like conditions as the tenant or the sub-tenant, as the case may be.

31. Bar of transfer of ownership rights.—(1) No land in respect of which proprietary rights have been acquired under this Chapter shall be transferred by sale, mortgage, gift or otherwise during a period of six years from the date of a certificate issued under sub-section (3) of section 23.

(2) Any transfer of land made in contravention of sub-section (1) shall be void and no registering authority shall register any document evidencing such transfer under the Indian Registration Act, 1908 (XVI of 1908).

32. Certain transfers not to affect rights of tenants under this Chapter.—(1) No transfer of land made by a landowner after the commencement of this Act shall affect the right of any person to acquire proprietary rights in such land under this Chapter.

(2) If any question arises whether any transfer of land does or does not affect the right of any person to acquire proprietary rights in such land, the question shall be referred to the prescribed authority for his decision.

CHAPTER V

ACQUISITION AND DISPOSAL OF BANJAR LANDS

33. Acquisition of banjar lands.—(1) If the State Government is of opinion that any banjar land is needed or is likely to be needed for a public purpose, the State Government shall call upon the landowner by notice in writing to show cause within thirty days of the date of service of such notice on him, why such land should not be acquired.

(2) If, after considering the cause, if any, shown by the landowner, the State Government is satisfied that it is necessary or expedient to acquire such land for a public purpose, the State Government may publish in the Official Gazette a notification to the effect that the State Government has decided to acquire the land in pursuance of this section.

(3) When a notification as aforesaid is published in the Official Gazette, the acquired land shall on and from the beginning of the date on which the notification is so published vest absolutely in the State Government free from all encumbrances.

(4) In the case of joint land-owners, the Collector or any other officer authorised by the State Government in this behalf, shall have the power to partition the land according to the shares of the joint landowners and deliver possession of the shares which are not acquired under this section to the landowners entitled thereto.

(5) In this section, 'public purpose' includes—

(i) a purpose connected with the settlement on land of persons who are willing to cultivate such land personally under a scheme made in pursuance of section 38;

(ii) development of co-operative farms; and

(iii) efficient management of land.

34. Possession of acquired lands.—(1) The Collector may by order in writing direct a landowner whose land is acquired under this Chapter to deliver possession thereof within ten days of the service of the order on him to such officer as may be specified in the order.

(2) If any landowner refuses or fails without reasonable cause to comply with an order made under sub-section (1), the Collector

may take possession of the acquired land and may, for that purpose, use such force as may be necessary.

35. Principles of compensation for acquisition of banjar lands.—

(1) Where any banjar land is acquired under this Chapter, there shall be paid compensation therefor which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say:—

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached the Collector shall determine the compensation at the rate of forty-five times the land revenue payable in respect of an equal area of any *barani* land in the village concerned or where there is no such land in the village, in the nearest village, which is assessed to land revenue at the lowest rate, or at the rate of one hundred rupees per acre, whichever is less.

(2) If there is any dispute as to the person or persons who are entitled to such compensation, the Collector shall, after giving the persons interested an opportunity of being heard, decide the dispute, and if the Collector finds that more persons than one are entitled to compensation he shall apportion the amount thereof among such persons.

36. Payment of compensation for acquisition of banjar land.—The amount of compensation payable under this Chapter shall, subject to any rules made under this Act, be paid by the State Government to the person or persons entitled thereto in such instalments as may be prescribed.

37. Powers of Collector for determining compensation.—For the purpose of determining compensation under this Chapter, the Collector shall have all such powers as are vested in a Collector under the law relating to the acquisition of land for the time being in force in the State.

38. Scheme for settlement of persons on acquired lands.—(1) The State Government may, by notification in the Official Gazette, frame a Scheme for the purpose of settling on any banjar land acquired under this Chapter such persons as are willing to cultivate the land personally.

(2) Any such scheme may provide for all or any of the following matters, namely:—

(a) the method of selecting persons who are to be settled on acquired lands;

(b) the terms and conditions on which such lands are to be transferred for personal cultivation; and

(c) such other matters as may be prescribed.

(3) The State Government may, by notification in the Official Gazette, add to, amend, vary or revoke any Scheme made under this section.

(4) Where any Scheme is revoked under this section, the State Government shall make an offer to the landowner from whom any land included in the Scheme was acquired to purchase it at a price equivalent to the compensation he received for such land and where any such offer is accepted such land shall be transferred to the landowner at that price.

CHAPTER VI

MISCELLANEOUS

39. Appeals and revision.—(1) Any person aggrieved by any decision or order of the prescribed authority may, within thirty days from the date of the decision or order, prefer an appeal to the Collector in such form and manner as may be prescribed:

Provided that the Collector may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Any person aggrieved by any decision or order of the Collector, not being a decision or order made in an appeal under subsection (1), may, within thirty days from the date of the decision or order, prefer an appeal to the Commissioner in such form and manner as may be prescribed:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) With respect to all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the prescribed authority or the Collector or the Commissioner as is provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

40. Correction of clerical errors.—Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either of his own motion or on an application received in this behalf from any of the parties.

41. Officers holding enquiries to have powers of civil courts.—Any officer or authority holding an enquiry or hearing an appeal or a revision under this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), relating to—

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issue of commission;

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

42. Penalty for making false statements.—If, during the course of any proceedings under this Act, any person makes a declaration or a statement or furnishes any information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

43. Summary eviction and fine.—(1) Any person who is in wrongful or unauthorised possession of any land—

(a) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act, or

(b) to the use and occupation of which he is not entitled under the provisions of this Act,

may, after summary enquiry, be ejected by the Collector, who may also impose on such person a penalty not exceeding five hundred rupees.

(2) The Collector may direct that the whole or any part of the penalty imposed under sub-section (1) shall be paid to the person who has sustained any loss or damage by the wrongful or unauthorised possession of the land.

44. Certain officers to be public servants.—Every officer acting under or in pursuance of the provisions of this Act or any rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

45. Procedure.—In all enquiries and proceedings under this Act, the Collector and any other officer shall have such powers and follow such procedure as may be prescribed.

46. Court fees.—Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870) as adapted and applied to the State, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

47. Bar of jurisdiction.—(1) No civil court shall have jurisdiction to settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial Commissioner, the Commissioner, the Collector or the prescribed authority.

(2) No order of the Financial Commissioner, the Commissioner, the Collector or the prescribed authority made under or in pursuance of this Act shall be called in question in any court.

48. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions contained in this Act or any rules made thereunder.

49. Mode of recovery of compensation and penalty.—The amount of any compensation or other sum payable under this Act and the amount of any penalty imposed under this Act may be recovered as an arrear of land revenue.

50. Delegation.—The State Government may, by notification in the Official Gazette, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to the State Government. /

51. Exemption of certain lands.—The provisions of this Act shall not apply to—

- (a) lands owned by or vested in the State Government;
- (b) lands belonging to any religious or charitable institution;
- (c) lands which are granted to any members of the Armed Forces of the Union for gallantry; and
- (d) private lands leased by the Government.

52. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the appointment and powers of prescribed authorities and the areas within which they may exercise their jurisdiction;

(b) the form in which and the period within which any application may be made under this Act;

(c) the form and manner of holding enquiries under this Act;

(d) the form and manner in which a receipt for payment of rent may be given;

(e) the form of any statement to be furnished under this Act and the particulars to be included therein;

(f) the manner in which land for personal cultivation may be reserved under this Act;

(g) the instalments in which any compensation may be paid under this Act;

(h) the manner of service of any order or notice under this Act;

(i) the form in which any certificate may be issued under this Act;

(j) the powers of the Collector and other authorities and the procedure to be followed by them in the conduct of enquiries;

(k) the fees to be paid in respect of any application or other proceeding under this Act;

(l) any other matter which is to be or may be prescribed under this Act.

53. Repeal and saving.—(1) The Pepsu Tenancy (Temporary Provisions) Act, 2008 Bk. (Pepsu Act XXX of 2008 Bk.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

REASONS FOR THE ENACTMENT

Relationship between the landlords and tenants in Pepsu are strained resulting in an extremely explosive situation. Legislation to amend and consolidate the existing laws in the State relating to tenancies of agricultural lands and to provide for certain measures of land reform on the lines undertaken by the adjoining State of Punjab is not only necessary but also urgent. Hence the present Bill. The Bill also seeks to give effect to some of the recommendations made by the Pepsu Agrarian Reforms Committee appointed by the Government of India to examine the system of land tenure in the State.

2. The Committee appointed under the proviso to sub-section (2) of section 3 of the Pepsu Legislature (Delegation of Powers) Act, 1953 (22 of 1953) has approved the enactment of this measure.

C. S. VENKATACHAR,
Secy. to the Govt. of India,
Ministry of States.